

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In the Matter of the Search of:

The Model A1706 Apple MacBook Pro laptop computer, further described in Attachment A-1 of the Search Warrant, and the black Apple iPhone cellular telephone, bearing IMEI 359408081966352, further described in Attachment A-2 of the Search Warrant

No. 20 CR 629

Judge Mary M. Rowland

**MOTION TO EXTEND THE TIME TO
RETURN CERTAIN COMPUTER AND RELATED ITEMS**

The UNITED STATES OF AMERICA, by JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, states as follows in support of its Motion to Extend the Time to Return Certain Computer and Related Items:

1. On or about October 2, 2020, the government submitted Applications and Affidavits for Search Warrants (“Applications”) in this matter. The Applications provided facts supporting probable cause to believe that evidence and instrumentalities concerning the exportation from the United States of goods and services without a license from the Department of Commerce (“DOC”), in violation of the International Emergency Economic Powers Act (“IEEPA”), Title 50, United States Code, Section 1705; the knowing failure to file required export information, in violation of Title 13, United States Code, Section 305; and conspiracy to commit an offense against the United States, in violation of Title 18, United States Code, Section 371, would be found in the **Subject Computer** and **Subject Phone**.

2. The Applications further provided for the return, within 30 days, of the **Subject Computer** and **Subject Phone**, unless those items contained contraband or constitute an instrumentality of the crime, or otherwise ordered by the Court. *See* Addendum to Attachment B of the Applications. On or about October 2, 2020, this Court granted the Applications and issued the Search Warrants. Thereafter, the Court granted extensions for the return of the **Subject Computer** and **Subject Phone**, extending the time for the government to return the devices to July 17, 2021.

3. On or about October 2, 2020, agents from the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Homeland Security Investigations (“HSI”), submitted the **Subject Computer** and **Subject Phone** to the agency’s Digital Forensics Unit for execution of the Search Warrants. On or about October 5, 2020, the HSI-Chicago Digital Forensics Unit began its forensic examination of the **Subject Computer** and **Subject Phone**. After extensive forensic analysis, the Forensics Unit decrypted, unlocked, and imaged the **Subject Phone**. The **Subject Phone** was returned to the defendant on or about February 9, 2021.

4. The **Subject Computer** has not yet been imaged because more sophisticated forensic analysis is required. The device is encrypted and efforts to unlock it are ongoing. Additional time is needed to access and image the device, and thereafter determine if it contains contraband or was used as an instrumentality of the offense.

5. Agents suspect that evidence of a crime will be present on the electronic device, including items related to the defendants' suspected commission of the crimes referenced above, and other information referenced in the Applications. Agents have attempted to access the device and to review its contents, and anticipate software updates that will allow for that access and review, but have not been able to complete that review before the current deadline of October 15, 2021. As a result, the government requests an additional 90 days to permit the agents time to gain access to, and review, the **Subject Computer**.

WHEREFORE, the government respectfully requests that this Court grant an additional 90 days, to and including January 13, 2022, to return any seized electronic storage devices not containing contraband or that do not constitute an instrumentality of the crime.

DATE: October 7, 2021

Respectfully submitted,

JOHN R. LAUSH, JR.
United States Attorney

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